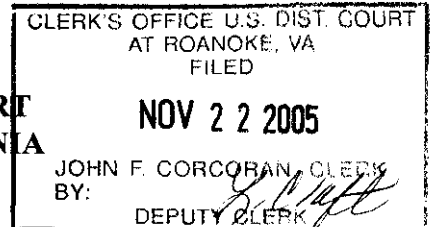


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION



HENRY D. BURTON,  
Petitioner,

v.

COMMONWEALTH OF VIRGINIA,  
Respondent.

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Civil Action No. 7:05CV00228

**FINAL ORDER**

By: Hon. Glen E. Conrad  
United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

**ORDERED**

that the petition for a writ of habeas corpus filed by the petitioner shall be **DISMISSED** and the petitioner's motion for summary judgment shall be **DENIED**.

The Clerk is directed to strike the case from the active docket of the court. The Clerk is further directed to send certified copies of this order and the accompanying memorandum opinion to the petitioner and counsel of record for the respondent.

ENTER: This 22<sup>nd</sup> day of November, 2005.

*[Signature of Glen E. Conrad]*

United States District Judge